

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 2:18-cr-00149-wks
)	
BRIAN ROCK)	

DEFENDANT BRIAN ROCK'S MEMORANDUM
RE: PETITION ON PROBATION AND SUPERVISED RELEASE

NOW COMES the Defendant, Brian Rock, by and through his attorney, Mark A. Kaplan, and sets forth a memorandum re: Petition on Probation and Supervised Release dated November 8, 2021 as follows:

On or about November 8, 2021, probation filed a petition for a violation of supervised release in the above entitled matter. The petition for violation is based on two alleged violations: first, that Brian Rock violated condition number one by allegedly committing simple assault, which case is now pending in the Franklin County Superior Court and secondly, that Brian Rock violated condition number two, on several occasions, by smoking marijuana.

In anticipation of the hearing, now scheduled for November 29, 2021, the defendant provides the following information for the court's consideration.

Jennifer Martin, a private investigator, was retained by the defendant to investigate the events surrounding the simple assault allegation. In doing so, Ms. Martin interviewed numerous eye witnesses that were present at the time of the alleged assault. A copy of her reports of the interviews of these witnesses are attached as exhibits as follows:

Exhibit A - Telephonic Interview of Doug Grevatt
Exhibit A1 - Interview of Kelli Shea
Exhibit A2 - Interview of Amber Parizo
Exhibit A3 - Telephonic Interview of Ed White

A review of the interviews conducted by Ms. Martin contradicts, in part, the police affidavit of probable cause and casts serious doubt on whether or not Defendant is guilty of a simple assault.

Secondly, Defendant recognizes his issues with smoking marijuana. As a result, he applied and has been accepted for treatment at Valley Vista. An email from Valley Vista dated November 23, 2021 indicates that a bed will be available on Tuesday, November 30, 2021 at 12:00PM. A copy of this email is attached as Exhibit B.

Based on the above, Defendant is requesting that he be allowed to participate in treatment at Valley Vista as scheduled. At the hearing on November 29, 2021, Defendant intends to request a continuance of the matter until he has completed treatment at Valley Vista.

DATED at Burlington, Vermont, this 25th day of November, 2021.

Respectfully Submitted,

BRIAN ROCK

By Counsel

KAPLAN AND KAPLAN

/s/ Mark A. Kaplan
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